THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.24394 of 2001

Dated: 14.03.2006

Between

N.D. Koteswara Rao, S/o Seetharamaiah, Controller,
Autonagar Bus Depot, APSRTC, Vijayawada, Krishna District.

Petitioner

And

The Depot Manager, A.P. State Road Transport Corporation, Gannavaram, Krishna District and another.

Respondents.

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.24394 of 2001

Order:

The main grievance of the petitioner in this writ petition is that respondent No.1, without issuing any notice and without affording any opportunity of hearing to him,

passed the impugned order dated 13.07.2001 ordering recovery of Rs.68,923.45 ps., from his salary in 72 instalments towards excess drawal of increments for the period from 15.12.1975 to 01.07.1998. According to the petitioner, in an earlier round of litigation a Division Bench of this Court, vide orders dated 01.05.1997 passed in W.P. No. 12279 of 1995, modified the penalty imposed by the disciplinary authority, as confirmed by the Labour Court, and reduced the same to one of deferment of one increment without cumulative effect, and in view of the said judgment, there is no need to recover any amount from him.

When the matter is taken up for hearing, learned Standing Counsel for the respondent-Corporation fairly conceded that before passing the impugned order, no notice was issued by the respondent-Corporation and no opportunity was given to the petitioner.

Having regard to the facts and circumstances of the case and in view of the clear admission made by the learned Standing Counsel for the respondent-Corporation that before passing the impugned order, no notice was issued nor provided any opportunity to the petitioner by the respondent-Corporation, the impugned order cannot be sustained.

Accordingly, the writ petition is allowed and the impugned order dated 13.07.2001 is set aside. However, the respondent-Corporation is directed to issue notice to the petitioner with all necessary calculations showing excess drawal of increments for the period from 15.12.1975 to 01.07.1998 and after providing reasonable opportunity to the petitioner, pass appropriate orders in accordance with law. The entire exercise should be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

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N.V. RAMANA, J.

Date: 14.03.2006

Nsr/Ksr